

REMARKS

REJECTIONS UNDER 35 U.S.C. § 102

Claims 29, 31-42, 47-49, 55, 56, 59, 62 and 72-83

Claims 29, 31-42, 47-49, 55, 56, 59, and 72-83 were rejected under 35 U.S.C § 102(e) as being unpatentable over U.S. Patent No. 6,304,903 issued to Ward (*Ward*). Claims 38-42 and 62 have been canceled. Therefore, the rejection of these claims is moot. Thus, Applicant submits that claims 29, 31-37, 47-49, 55, 56, 59, and 72-83 are not anticipated by *Ward* for at least the reasons described below.

Independent claim 29 recites the following:

a filtering database comprising layered rule tables, **wherein each rule table applies to a respective protocol element of a packet** and comprises a protocol element locator and a default rule; and
a packet filtering engine coupled to the filtering database for filtering said packets using at least one rule table in the filtering database.

Thus, Applicant claims a filtering database comprising layered rule tables, wherein each rule table applies to a respective protocol element of a packet. Independent claims 47, 55 and 72 recite similar limitations.

The Office action cites *Ward* as disclosing the invention as claimed by Applicant in claims 29, 47, 55 and 72. *Ward* discusses protocol analyzers used to gather and store information on the use of communications networks, including packet networks. The cited portion of *Ward* discusses sending entire frames to a first statistics section to be analyzed and then to a second statistics section (and possibly a third or fourth) for further analyzing. See column 9, lines 34-47. In other words, rather than sending different segments or parts of frames to different respective statistics sections, *Ward* teaches sending **entire frames** from one statistics section to the next. Furthermore, *Ward* states that each statistics section is identical. See column

9, lines 47-48. *Ward* does not teach or disclose a filtering database comprising layered rule tables, **wherein each rule table applies to a respective protocol element of a packet**, as claimed by Applicant. (See Applicant's figure 3 as an example of layered rule tables.)

Therefore, Applicant submits that claims 29, 47, 55 and 72 are not anticipated by *Ward*.

Claims 31-37 depend from claim 29. Claims 48-49 depend from claim 47. Claims 56 and 59 depend from claim 55. Claims 73-83 depend from claim 72. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits that claims 31-36, 48-49, 56, 59, and 73-83 are not anticipated by *Ward*.

Claim 63

Independent claim 63 was rejected under 35 U.S.C. § 102(e) as being anticipated by *Ward*. Claim 63 recites, in part, the following:

a packet prototype for determining a location to be modified in the filtering database, and
a filtering engine for receiving the packet prototype from an external software source and for modifying the location determined by the packet prototype.

The Office action merely states that *Ward* discloses the limitation "the packet filtering engine is coupled to receive a packet prototype modifying the filtering database." This statement does not accurately encompass any single limitation of claim 63, let alone all of the limitations of claim 63. The Manual of Patent Examining Procedure ("MPEP"), in § 2131, states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Given that the rejection of claim 63 under 35 U.S.C. § 102(e) is inadequate, Applicant is unable to, and in fact is not required to respond unless or until a prima facie case is provided.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 57, 58 and 64

Claims 57, 58 and 64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ward* in view of U.S. Patent No. 5,917,821 issued to Gobuyan et al. (*Gobuyan*). Applicant submits that claims 57, 58 and 64 are not rendered obvious by *Ward* in view of *Gobuyan* for at least the reasons described below.

Claims 57 and 58 depend from claim 55, which recites selecting a protocol element from a packet and accessing a unique rule table in said layered tables of rule tables corresponding to the selected protocol element. As discussed above, *Ward* does not disclose the limitations of claim 55. *Gobuyan* was cited as disclosing a packet filtering system in which the protocol descriptor has the range to filter the packet. Whether or not *Gobuyan* actually teaches the limitations cited in the Office action, *Gobuyan* does not teach or disclose selecting a protocol element from a packet and accessing a unique rule table in said layered tables of rule tables corresponding to the selected protocol element. Thus, *Gobuyan* fails to cure the deficiencies of *Ward*. Therefore, Applicant respectfully submits *Ward* in view of *Gobuyan* does not render claims 57 and 58 obvious.

Claim 64 depends from claim 63. As discussed above, the rejection of claim 63 is inadequate. Given that dependent claims necessarily include the limitations of the claims from which they depend, the rejection of claim 64 is also inadequate. Thus, Applicant cannot respond to the rejection of claim 64 for the same reasons it cannot respond to the rejection of claim 63.

Claims 60-61

Claims 60-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,181,698 issued to Hariguchi et al. (*Hariguchi*). Claims 60-61 have been canceled. Therefore the rejection of these claims is moot.


CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 29, 31-37, 47-49, 55-59, 63, 64, and 72-83 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Applicants have included a copy of all claims in the attached index for the Examiner's convenience.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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